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REMARKS

Claims 1-14, 18-22, and 24-27 are currently pending in the present application. No claim amendments are made in this supplemental response. Applicant appreciates the courtesy of a telephone interview with the Examiner on October 20, 2005. The rejection of claims 18-22 and 24-27 under 35 U.S.C. §112, first paragraph, was overcome by the last response filed September 21, 2005, as stated in the Advisory Action. The only remaining rejection is discussed below in the interest of advancing prosecution of this application.

Rejection of claims 1-14, 18-22 and 24-27 under 35 U.S.C. §103(a)

In the Office Action mailed July 22, 2005, The Examiner rejects claims 1-14, 18-22 and 24-27 under 35 U.S.C. §103(a) as being unpatentable over European Patent No. 0 595 005 A1 (hereinafter the European Patent) in view of Shapira (U.S. Patent No. 5,993,866, hereinafter Shapira). In the Advisory Action the Examiner maintained this rejection and cited column 1, lines 15-20 of Shapira. Applicant respectfully traverses this rejection. In addition to the arguments Applicant provided in the response filed September 21, 2005, which are not repeated here but are incorporated herein, Applicant provides the following remarks in order to address this rejection.

Shapira at column 1, lines 15-20, and throughout the entire specification and claims is concerned with modification of food in order to reduce the homocysteinogenic potential of the food. Shapira discloses that this is accomplished by modifying the ratio of methionine in the food to nutritional factors involved in homocysteine metabolism. At column 1, lines 19-20, Shapira states that these cofactors are "mainly B6 and optionally with folic acid, B12, magnesium, cysteine." The entire disclosure of Shapira relates to modification of food to affect methionine to B6 ratios in the food, not preparation or use of a vitamin composition. Column 7, lines 48-61 of Shapira define the invention as consisting of a variety of foods and/or dairy products in which the ratio of methionine to B6 (mg/ml) is reduced below a starting methionine:B6 ratio. Examples 1-30 in Shapira disclose such ratios in cottage cheese, milk, cream cheese, chocolate, yogurt, sour cream, chicken drumsticks and other foods.

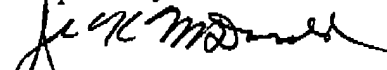
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One of ordinary skill in the art would not be motivated, reading Shapira's disclosure of modification of methionine:B6 ratios in food, to combine this information with the European patent and derive Applicant's claimed vitamin composition consisting of vitamin B12, vitamin B6, folic acid, magnesium, and vitamin E, and its use for treating or preventing vascular disease. There is no suggestion or teaching to combine these references, and Applicant respectfully asserts that one of ordinary skill in the art of making vitamins would not be motivated to combine references from these distinctive fields and that the combination is improper. Applicant further asserts that Shapira is non-analogous art as Shapira is not in the field of Applicant's invention.

For at least the reasons presented above and in the previously filed response, the cited art, alone or in combination, does not teach, suggest or provide motivation for one of ordinary skill in the art to derive the claimed vitamin composition consisting of vitamin B12, vitamin B6, folic acid, magnesium and vitamin E or its use in the recited method. Applicant respectfully requests withdrawal of the rejection of claims 1-14, 18-22 and 24-27 under 35 U.S.C. §103(a).

Applicant respectfully asserts that this response to the office action is timely filed and that the rejections under 35 U.S.C. §103(a), delineated in the office action of July 22, 2005 and in the Advisory Action mailed September 30, 2005 have been overcome. If any informalities remain which may be discussed, a conference with the undersigned is respectfully requested. Further, if minor amendments may be achieved by Examiner's amendment, a call to the undersigned attorney is also respectfully requested.

Respectfully submitted,



John K. McDonald, Ph.D.

Reg. No. 42,860

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309-4530
Telephone: 404-815-6500
Facsimile: 404-815-6555
Attorney Docket No. 52761-0100 (285976)

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